

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Kelly Noble, Jr.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Kelly Noble, Jr.*, Agency Case No. 09-002, Administrative Action No. 09-EBEC-0261;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on September 18, 2009, the Commission alleged facts in an Initiating Order that Kelly Noble, Jr. violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d);

WHEREAS, on November 3, 2010, Kelly Noble, Jr. pled guilty in Franklin Circuit Court, *Commonwealth of Kentucky v. Kelly Noble*, 09-CR-107, to one count of Official Misconduct, First Degree, Class A Misdemeanor; one count of Unauthorized Use of Motor Vehicle, Class A Misdemeanor; and 27 counts of Forgery in the Third Degree, Class A Misdemeanor;

WHEREAS, Kelly Noble, Jr. was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Kelly Noble, Jr. indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

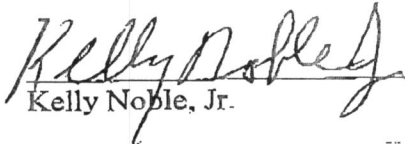
NOW, THEREFORE, in settlement of the above allegations, the Commission and Kelly Noble, Jr. agree, pursuant to KRS 11A.100, as follows:

1. Kelly Noble, Jr. admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d) as stated in the Commission's Initiating Order of September 18, 2009.
2. Kelly Noble, Jr. agrees to pay the Commission a civil penalty of twelve hundred and fifty dollars (\$1,250.00) concurrently with the execution of this Settlement Agreement.
3. Kelly Noble, Jr. agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Kelly Noble, Jr.*, Agency Case No. 09-002, Administrative Action No. 09-EBEC-0261.

5. This Settlement Agreement constitutes a public reprimand to Kelly Noble, Jr., a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:

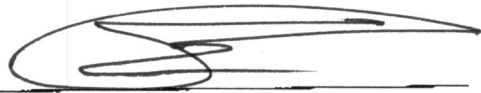


Kelly Noble, Jr.

3-9-11

Date

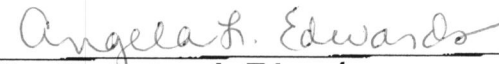
EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, Ronald L. Green

5/9/11


Date



Vice-Chair, Angela Edwards

5/9/11

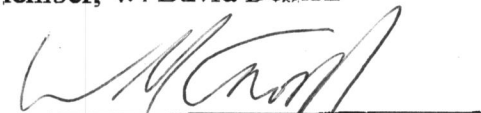
Date



Member, W. David Denton

5/9/11


Date



Member, William L. Knopf

5-9-11

Date



Member, William Francis

5-9-11

Date

**APPENDIX A
CASE NO. 09-002
INITIATING ORDER
ALLEGATION OF VIOLATIONS**

The Respondent, Kelly Noble, was at all times relevant an employee of the Commonwealth of Kentucky, serving in the Transportation Cabinet, Department of Highways, District 10. The Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Kelly Noble committed the following violations:

COUNT I

Kelly Noble, during his course of employment with the Kentucky Transportation Cabinet, Department of Highways, District 10, used his official position to obtain financial gain for himself; and to secure or create privileges, exemptions, advantages, or treatment for himself and others in derogation of the public interest at large by falsifying timesheets for the benefit of himself and others; utilizing his assigned KYTC cell phone to conduct personal business as well as Breathitt School Board Business; and utilizing a KYTC vehicle to conduct personal and Breathitt County School Board business.

. These facts constitute violations of KRS 11A.020(1)(c), and (d).

KRS 11A.020(1)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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